

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	0

MR. SPEAKER:

Your Committee on Public Policy, to which was referred House Bill 1739, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure and to make an appropriation.
- 4 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 5 "SECTION 1. IC 10-13-3-41 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2007]: **Sec. 41. (a) The criminal history data fund is established**
- 8 **to provide funds for:**
- 9 (1) operating and maintaining the central repository for
- 10 criminal history data; and
- 11 (2) establishing, operating, and maintaining an electronic
- 12 system for the processing of handgun license applications and
- 13 renewals.
- 14 In addition, at the discretion of the superintendent, the fund may
- 15 be used to establish, operate, or maintain an electronic log to

1 **record the sale of drugs containing ephedrine or pseudoephedrine**
 2 **in accordance with IC 35-48-4-14.7.**

3 **(b) The fund shall be administered by the department.**

4 **(c) The expenses of administering the fund shall be paid from**
 5 **money in the fund.**

6 **(d) The treasurer of state shall invest the money in the fund not**
 7 **currently needed to meet the obligations of the fund in the same**
 8 **manner as other public money may be invested.**

9 **(e) Money in the fund at the end of a state fiscal year does not**
 10 **revert to the state general fund.**

11 SECTION 2. IC 35-47-2-3, AS AMENDED BY P.L.190-2006,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2007]: Sec. 3. (a) A person desiring a license to carry a
 14 handgun shall apply:

15 (1) to the chief of police or corresponding law enforcement officer
 16 of the municipality in which the applicant resides;

17 (2) if that municipality has no such officer, or if the applicant does
 18 not reside in a municipality, to the sheriff of the county in which
 19 the applicant resides after the applicant has obtained an
 20 application form prescribed by the superintendent; or

21 (3) if the applicant is a resident of another state and has a regular
 22 place of business or employment in Indiana, to the sheriff of the
 23 county in which the applicant has a regular place of business or
 24 employment.

25 The superintendent and local law enforcement agencies shall allow an
 26 applicant desiring to obtain or renew a license to carry a handgun to
 27 submit an application electronically under this chapter if ~~federal~~ funds
 28 are available to establish and maintain an electronic application system.

29 (b) The law enforcement agency which accepts an application for a
 30 handgun license shall collect the following application fees:

31 (1) From a person applying for a four (4) year handgun license, a
 32 ten dollar (\$10) application fee, five dollars (\$5) of which shall be
 33 refunded if the license is not issued.

34 (2) From a person applying for a lifetime handgun license who
 35 does not currently possess a valid Indiana handgun license, a fifty
 36 dollar (\$50) application fee, thirty dollars (\$30) of which shall be
 37 refunded if the license is not issued.

38 (3) From a person applying for a lifetime handgun license who

1 currently possesses a valid Indiana handgun license, a forty dollar
2 (\$40) application fee, thirty dollars (\$30) of which shall be
3 refunded if the license is not issued.

4 Except as provided in subsection (h), the fee shall be deposited into the
5 law enforcement agency's firearms training fund or other appropriate
6 training activities fund and used by the agency to train law enforcement
7 officers in the proper use of firearms or in other law enforcement
8 duties, or to purchase firearms or firearm related equipment, or both for
9 the law enforcement officers employed by the law enforcement agency.
10 The state board of accounts shall establish rules for the proper
11 accounting and expenditure of funds collected under this subsection.

12 (c) The officer to whom the application is made shall ascertain the
13 applicant's name, full address, length of residence in the community,
14 whether the applicant's residence is located within the limits of any city
15 or town, the applicant's occupation, place of business or employment,
16 criminal record, if any, and convictions (minor traffic offenses
17 excepted), age, race, sex, nationality, date of birth, citizenship, height,
18 weight, build, color of hair, color of eyes, scars and marks, whether the
19 applicant has previously held an Indiana license to carry a handgun
20 and, if so, the serial number of the license and year issued, whether the
21 applicant's license has ever been suspended or revoked, and if so, the
22 year and reason for the suspension or revocation, and the applicant's
23 reason for desiring a license. The officer to whom the application is
24 made shall conduct an investigation into the applicant's official records
25 and verify thereby the applicant's character and reputation, and shall in
26 addition verify for accuracy the information contained in the
27 application, and shall forward this information together with the
28 officer's recommendation for approval or disapproval and one (1) set
29 of legible and classifiable fingerprints of the applicant to the
30 superintendent.

31 (d) The superintendent may make whatever further investigation the
32 superintendent deems necessary. Whenever disapproval is
33 recommended, the officer to whom the application is made shall
34 provide the superintendent and the applicant with the officer's complete
35 and specific reasons, in writing, for the recommendation of
36 disapproval.

37 (e) If it appears to the superintendent that the applicant:

38 (1) has a proper reason for carrying a handgun;

- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:

- (A) a citizen of the United States; or

- (B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

- (1) neither opposes nor supports an individual's right to bear arms; and

- (2) is:

- (A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

- (B) prepared by the state police department; and

- (C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this

1 subsection.

2 (g) A license to carry a handgun shall not be issued to any person
3 who:

4 (1) has been convicted of a felony;

5 (2) has had a license to carry a handgun suspended, unless the
6 person's license has been reinstated;

7 (3) is under eighteen (18) years of age;

8 (4) is under twenty-three (23) years of age if the person has been
9 adjudicated a delinquent child for an act that would be a felony if
10 committed by an adult; or

11 (5) has been arrested for a Class A or Class B felony, or any other
12 felony that was committed while armed with a deadly weapon or
13 that involved the use of violence, if a court has found probable
14 cause to believe that the person committed the offense charged.

15 In the case of an arrest under subdivision (5), a license to carry a
16 handgun may be issued to a person who has been acquitted of the
17 specific offense charged or if the charges for the specific offense are
18 dismissed. The superintendent shall prescribe all forms to be used in
19 connection with the administration of this chapter.

20 (h) If the law enforcement agency that charges a fee under
21 subsection (b) is a city or town law enforcement agency, the fee shall
22 be deposited in the law enforcement continuing education fund
23 established under IC 5-2-8-2.

24 (i) If a person who holds a valid license to carry a handgun issued
25 under this chapter:

26 (1) changes the person's name;

27 (2) changes the person's address; or

28 (3) experiences a change, including an arrest or a conviction, that
29 may affect the person's status as a proper person (as defined in
30 IC 35-47-1-7) or otherwise disqualify the person from holding a
31 license;

32 the person shall, not later than thirty (30) days after the date of a
33 change described under subdivision (3), and not later than sixty (60)
34 days after the date of the change described under subdivision (1) or (2),
35 notify the superintendent, in writing, of the event described under
36 subdivision (3) or, in the case of a change under subdivision (1) or (2),
37 the person's new name or new address.

38 (j) The state police shall indicate on the form for a license to carry

1 a handgun the notification requirements of subsection (i).

2 (k) The state police department shall adopt rules under IC 4-22-2 to
3 implement an electronic application system under subsection (a). Rules
4 adopted under this section must require the superintendent to keep on
5 file one (1) set of classifiable and legible fingerprints from every
6 person who has received a license to carry a handgun so that a person
7 who applies to renew a license will not be required to submit an
8 additional set of fingerprints.

9 SECTION 3. IC 35-47-2-4, AS AMENDED BY P.L.190-2006,
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2007]: Sec. 4. (a) Licenses to carry handguns shall be either
12 qualified or unlimited, and are valid for:

13 (1) four (4) years from the date of issue in the case of a four (4)
14 year license; or

15 (2) the life of the individual receiving the license in the case of a
16 lifetime license.

17 A qualified license shall be issued for hunting and target practice. The
18 superintendent may adopt rules imposing limitations on the use and
19 carrying of handguns under a license when handguns are carried by a
20 licensee as a condition of employment. Unlimited licenses shall be
21 issued for the purpose of the protection of life and property.

22 (b) In addition to the application fee, the fee for:

23 (1) a qualified license shall be:

24 (A) five dollars (\$5) for a four (4) year qualified license;

25 (B) twenty-five dollars (\$25) for a lifetime qualified license
26 from a person who does not currently possess a valid Indiana
27 handgun license; or

28 (C) twenty dollars (\$20) for a lifetime qualified license from
29 a person who currently possesses a valid Indiana handgun
30 license; and

31 (2) an unlimited license shall be:

32 (A) thirty dollars (\$30) for a four (4) year unlimited license;

33 (B) seventy-five dollars (\$75) for a lifetime unlimited license
34 from a person who does not currently possess a valid Indiana
35 handgun license; or

36 (C) sixty **dollars** (\$60) for a lifetime unlimited license from a
37 person who currently possesses a valid Indiana handgun
38 license.

1 The superintendent shall charge a twenty dollar (\$20) fee for the
 2 issuance of a duplicate license to replace a lost or damaged license.
 3 These fees shall be deposited in accordance with subsection (e).

4 (c) Licensed dealers are exempt from the payment of fees specified
 5 in subsection (b) for a qualified license or an unlimited license.

6 (d) The following officers of this state or the United States who have
 7 been honorably retired by a lawfully created pension board or its
 8 equivalent after at least twenty (20) years of service or because of a
 9 disability are exempt from the payment of fees specified in subsection
 10 (b):

- 11 (1) Police officers.
- 12 (2) Sheriffs or their deputies.
- 13 (3) Law enforcement officers.
- 14 (4) Correctional officers.

15 (e) Fees collected under this section shall be deposited in the ~~state~~
 16 ~~general fund~~ **criminal history data fund established by**
 17 **IC 10-13-3-41.**

18 **(f) The superintendent may not issue a lifetime qualified license**
 19 **or a lifetime unlimited license to a person who is a resident of**
 20 **another state. The superintendent may issue a four (4) year**
 21 **qualified license or a four (4) year unlimited license to a person**
 22 **who is a resident of another state and who has a regular place of**
 23 **business or employment in Indiana as described in section 3(a)(3)**
 24 **of this chapter."**

25 Page 2, delete lines 1 through 11.

26 Page 2, line 14, delete "Notwithstanding any other law, a" and insert
 27 "A".

28 Page 2, line 15, reset in roman "complete and sign Bureau of".

29 Page 2, reset in roman line 16.

30 Page 2, line 19, delete "consent in writing, on a form to be".

31 Page 2, delete lines 20 through 42.

32 Delete pages 3 through 4.

33 Page 5, delete lines 1 through 20.

34 Page 5, line 24, reset in roman "Form 4473 completed".

35 Page 5, line 25, reset in roman "under".

36 Page 5, line 25, delete "the consent form required by".

37 Page 5, line 27, delete "IC 35-47-2.5-2.5" and insert "IC
 38 10-13-3-40".

- 1 Page 5, delete lines 29 through 31.
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1739 as introduced.)

and when so amended that said bill do pass.

Representative Van Haaften